

III. Provided always, That if any Damages shall be recovered by Virtue of this Act against any such Person or Persons making such Return to such Writ, as aforesaid, he or they shall not be liable to be sued in any other Action or Suit for the making such Return; any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

VI. And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful, to and for the said Courts respectively, to allow to such Person or Persons **695** spectively, *to whom any Writ of *Mandamus* shall be directed or against whom any Information, in the nature of a *Quo Warranto*, in any of the Cases aforesaid, shall be sued or prosecuted, or to the Person or Persons who shall sue or prosecute the same, such convenient Time respectively, to make a Return, plead, reply, rejoin or demur, as to the said Courts respectively shall seem just and reasonable; any thing herein contained to the contrary thereof in any wise notwithstanding.

VII. And be it further enacted by the Authority aforesaid, That after the said first Day of *Trinity* Term, an Act made in the fourth Year of her Majesty's Reign, [Intituled *An Act for the Amendment of the Law, and the better Advancement of Justice,*] and all the Statutes of *Jeofayles*, shall be extended to all Writs of *Mandamus* and Informations, in nature of *Quo Warranto*, and Proceedings thereon, for any the Matters in this Act mentioned.

I. After the first day of *Trinity* Term, 1711. Returns to Writs of *Mandamus* out of the Queen's Bench, &c. shall be made to the first Writ.

II. As soon as the return is made, the Prosecutor in such Writ may plead, &c. to which the Person returning may reply, &c. How the Proceedings shall be.

III. Persons against whom Damages shall be recovered, not liable to be sued in other Actions.

VI. The Court may allow a convenient time to return a *Mandamus*, plead, reply, &c.

VII. 4 *Annæ* c. 16, and all the Statutes of *Jeofayles*, shall be extended to Writs of *Mandamus*, &c. 32 H. 8, c. 30. 18 El. c. 14. 37 El. c. 5. 21 Ja. 1, c. 13. 16 & 17 Car. 2, c. 28.

It is settled corporation law in England, that where a man has accepted and is in office, the proceeding must be by *quo warranto*, unless the election is colourable and so merely void. And it is equally well settled municipal law there, that if a man is *bona fide* in office, his title is not to be tried